

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

)	
RICHARD LIVINGSTON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-CV-11349-RCL
)	
MBTA EMPLOYEES CREDIT UNION,)	
)	
Defendant.)	
)	

**AFFIDAVIT OF GARY J. KRAVETZ, ESQUIRE IN SUPPORT OF
DEFENDANT MBTA EMPLOYEES CREDIT UNION'S
MOTION FOR SUMMARY JUDGMENT**

I, Gary J. Kravetz, Esquire, on oath depose and state as follows:

1. I am an attorney admitted to the bar of the Commonwealth of Massachusetts. I am of legal age, practice law in the Commonwealth of Massachusetts, and am a resident of the State of Maine.

2. The facts set forth below are true, accurate and complete, based either upon my personal knowledge or my information and belief, formed after inquiry into these facts. To the extent based upon my information and belief, I believe all facts set forth below are true.

3. From 1997 to present, I have represented the MBTA Employees Credit Union (the “Credit Union”) as general corporate counsel.

4. In the course of my representation of the Credit Union, it is the Credit Union's usual practice to provide me with copies of all letters which purport to be written demands pursuant to M.G.L. c.93A, § 9 ("93A Demand Letter"), or similar correspondence or notices, mailed or delivered to the Credit Union.

5. I did not receive a 93A Demand Letter, or similar correspondence or notice, from or on behalf of Livingston prior to commencement of the present litigation. In particular, I did not receive a copy of “a demand for settlement ... under chapter 93a” of May 25, 2005 alleged in Paragraph 29 of the Amended Complaint.

6. As part of my duties as general corporate counsel for the Credit Union, I attend all regular and special meetings of the Credit Union’s Board of Directors. In the course of my duties, I am also in regular contact with the Credit Union’s senior management, including Chief Executive Officer Philip O’Connor. The Board of Directors has never discussed at a regular or special meeting a 93A Demand Letter sent by or on behalf of Livingston. No member of the Credit Union’s senior management, including Chief Executive Officer Philip O’Connor, has ever informed me that a 93A Demand Letter sent by or on behalf of Livingston was received by the Credit Union.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 12th DAY OF JULY, 2006.

/s/ Gary J. Kravetz
GARY J. KRAVETZ

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 14, 2006.

/s/ Eric C. Hipp
Eric C. Hipp